

**PUBLIC SAFETY COMMITTEE**

Wednesday, February 8, 2017

6:30 P.M.

McFarland Municipal Center  
Conference Room A

AGENDA

1. CALL TO ORDER.
2. PUBLIC APPEARANCES.
3. STAFF REPORTS.
  - a. Fire/EMS Department
  - b. Police Department
  - c. Emergency Management
4. APPROVAL OF MINUTES.
  - a. Review and possible approval of the draft minutes of the January 11, 2017 Meeting.
5. BUSINESS.
  - a. Discussion and possible action on revision of Village Ordinance 35-158 regarding winter parking regulations per the request of Michael Shumway, 5201 Linden Parkway.
  - b. Discussion and possible recommendation on an ordinance to amend Chapter 138-128(a) of the Village ordinances to reflect state law regulation of nicotine products such as E-Cigarettes.
  - c. Discussion regarding objectives for Village lighting of cross walks and intersections.
  - d. Discussion and possible recommendation on a massage parlor ordinance.
6. ADJOURNMENT.

- NOTES:**
- 1) Persons needing special accommodations should call 838-3153 at least 24 hours prior to the meeting.
  - 2) A quorum of the Village Board may attend this meeting for the purpose of gathering information relevant to their responsibilities as Village Trustees. No matters shall be considered nor shall any action be taken by said Village Board members at this meeting.
  - 3) More specific information about agenda items may be obtained by calling 838-3153.

*This agenda was posted, or caused to be posted, by my hand on the 10th of February, 2017 at the following three (3) posting places in the Village of McFarland, to wit: McFarland Municipal Center, 5915 Milwaukee Street; E.D. Locke Public Library, 5920 Milwaukee Street; & the McFarland State Bank, 5990 US Hwy 51.*

*Cassandra Suettinger, Clerk*



## **McFarland Fire & Rescue Department**

5915 Milwaukee Street • PO Box 110 • McFarland, WI 53558-0110  
(608) 838-3278 • Fax: (608) 838-3619

**Emergency: 911**

---

# **January 2017 Fire & Rescue Department Report**

- **General**

- In July 2016, the Legislative Council Study Committee on Volunteer Firefighter and Emergency Medical Technician Shortages was formed to review shortages of EMTs and Firefighters in the State. The committee has completed their review and have made recommendations to create potential legislative bills. These include the following:
  - Extend EMT licenses and first responder certification from two to four years.
  - Create a refundable individual income tax credit for volunteer firefighters, EMTs, and first responders for both the amount of unreimbursed expenses incurred to purchase gear and equipment and the number of miles traveled in a personal vehicle to attend training. The maximum yearly credit would be capped at \$400.
  - Allow the IV-Technician or AEMT to become an endorsement skill (much like defibrillation, epinephrine and other skills have previously been) rather than a course and full license level.
  - Allow two or more municipalities (any city, village, or town) to jointly create a fire service district and such district to levy property, and authorize a district to impose special charges and issue debt.
  - Allow first responder training to become eligible for Funding Assistance Program (FAP) funding.
  - Make changes to the Length of Service Awards (LOSA) pension program, including increasing the state match from 50 percent to twice the amount contributed by the local agency. The maximum amount of state payments would increase from \$250 to \$500 for each volunteer each year. Full vesting for the program would be reduced from 20 years of service to 15 years. The vesting age would be reduced from 60 to 53.
  - The following did fail to pass in the committee. Prohibit any city, village, town, or county from prohibiting its employees, who serve as firefighters, EMTs, or first responders, from volunteering to serve in that same capacity in another jurisdiction.
- During the January Dane County EMS Commission and Dane County EMS Association meetings, the County Medical Director Dr. Lohmeier, presented the results of a study that reviewed Automatic ALS responses in Dane County during the 2014 calendar year. The review included over 2,000 incidents that occurred in Dane County and based on the priority medical dispatch indicated a paramedic level care would be needed. This reported indicated that 83.9% of the calls did result in needing paramedic level care. Confirming appropriate use of the priority medical dispatch. A summary sheet of the study is attached to the report.

- We have advertised for bids to install the source capture exhaust system that we received an Assistance to Firefighters Grant for. We currently have two companies that are intending to provide bids for the project. The Public Works Director and Chief Dennis have met with both companies and reviewed their systems. The bids will be due Tuesday February 14<sup>th</sup> at 8:00 am. The project will have a very quick schedule to have award the contract and installation to meet the requirements of the grant. We will be looking to review the bids and award the contract as quickly as possible.
- Chief Dennis, Division Chief Clementi, and Captain Hettrick attended a seminar titled Backpacks 2 Airpacks. The seminar was hosted by Stoughton Fire Department and discussed the issues of recruitment and retention of members for EMS and Fire Departments. The seminar highlighted the need for a very organized and in depth training division. The seminar reinforced many of the efforts that the Department began in recent years with celebration of member accomplishments. The seminar also provided additional insight to possible future staffing concerns. The Department realized the concerns were present however the exercises in the seminar helped illustrate the gap of experience the department has. This is unfortunately a trend among many departments.
- The Wisconsin Department of Safety and Professional Services (SPS) held public hearings on electrical and commercial building codes that SPS will be sending to the legislature for approval. The State of Wisconsin Fire Chiefs Association and the State of Wisconsin Chapter of International Association of Electrical Inspectors have indicated strong opposition to some of the code revisions. We are also concerned about these revisions and the safety impacts that may occur. Majority of the code revisions aligns the Wisconsin codes with national standards and codes. However, there are two revisions that are actually removing current requirements and is directly opposite of the national codes. The first is revising the thresholds of requiring automatic sprinklers in apartment buildings from three apartments to twenty apartments. The other is removing the requirement for Ground Fault Circuit Interrupters and Arc Fault Circuit Interrupters from the electrical code. These changes cause considerable concern on protecting lives and property. Chief Dennis joined several Fire Chiefs from across the State in appearing at the public hearings to show opposition to these code revisions. SPS will be reviewing the public comments and drafting final code language to be forwarded to the legislature.
- DaneCOM
  - The system is performing well for majority of our incidents, however the concerns with the system are of the infrequent higher risk incidents.
  - The County EMS and Fire paging continues to have difficulties. The County's vendor made adjustments with some difficulties being noticed. We still have issues with enough frequency to cause concern for the Department. We are providing feedback and working with the County's vendor to make further adjustments.
  - The County Tactical channels are still not performing to an acceptable level. The County's vendor has not developed a complete solution to date and had found some minor issues that they're attempting to resolve. It does seem to appear the channels will not perform to the level that was planned for.
- Foreman EMT/Firefighter Colton Havey has completed the check off for ATV 11.

- EMT/Firefighter Amanda Gessler completed the in-house Crew Chief Academy and is now an EMS Crew Chief. We are excited for Amanda to complete this with her living very near to the station it is a great addition for staffing our second ambulance for nights and weekend.
  - Foreman EMT/Firefighter Tim Lau has completed the State of Wisconsin certified Motor Pump Operator class and has completed the check off for Engine 2.
- **Staffing**
    - Current Staffing Levels
      - Fulltime Fire Rescue Chief – 1
      - Fulltime Fire Inspector/Public Education Specialist – 1
      - Fulltime EMTs – 5
      - Paid on Call – 58 (19 EMTs, 26 Firefighters & 13 EMT/Firefighters)
      - Total Staffing Level – 66
    - Firefighter Jerry Reiter has requested to be reclassified as Active Retired and has been granted. The classification allows members with significant contribution to take on less active role without performing full retirement.
- **Training Activity**
    - The month of January training was the start of some busy time for the Training Division.
      - We performed our biennial CPR recertification.
      - We are hosting an Emergency Medical Responder Certification course in which we have 9 firefighters enrolled to obtain their certification.
      - The Motor Pump Operator Certification course that we were hosting was required to be cancelled due to low enrollment.
      - We also began our annual refresher on ice rescue incidents.
    - Members have been scheduled for the Pediatric Education for Prehospital Professionals (PEPP) course. Members will be performing the online portion in January and February with the practical portion occurring in February and March.
    - Taylor Klein, Amanda Gessler and Sam Nepple attended Tactical Emergency Casualty Care at Mercyhealth Prehospital and Emergency Services Center.
    - Six members attended the annual Wisconsin EMS Association conference in Milwaukee. We had one member scheduled and was unable to attend due to being forced in for overtime at his fulltime position.
    - The month of February will continue with ice rescue refresher, driver progressions, communication with radios and report documentation.
    - On February 25<sup>th</sup> we are hosting responding to incidents involving flammable liquids transported by rail class.
- **Apparatus & Equipment**
    - The Replacement Engine Committee would like to express their appreciation for the Village Board in awarding the contract for the replacement engine. Assistant Chief Reiter has been working with Pierce on getting the contract executed and developing final design items. The truck will take nine months for completion and we are hoping to have the truck in house in late November.
    - The shared staff car project has started and is moving quickly. We were able to obtain an in stock base SUV from the State Vehicle bid. The car has been lettered with the Village of McFarland logo and has been placed in to limited

service. It is still awaiting radio and emergency lighting installation. Which is being scheduled in the next week or so. The car has already seen use from Fire & Rescue, Administration, Public Works and one trip that involved Administration, Public Works and the Library.

- The 1997 Ladder had the intake gauge replaced by Assistant Chief Reiter.
- ATV 11 started having electrical issues from the incident in which it was overturned after breaking through the ice. The winch solenoids and the starter switch failed. The starter has been acting up and expected to fail soon also. A new one is being ordered.
- We have learned that Physio-Control will stop supporting the Life Pak 500 AED at the end of 2017. This the model that the EMS Association had purchased and donated to the Village for use in a variety of locations. The Department has been supporting these devices with annual maintenance. Many of the devices are still in good condition and are not indicating issues. We are concerned that units may start failing at the same time and cause a budget constrain on replacements. We will be evaluating the units and possible replacement plans.

<u>Inspection/Prevention Activity</u>	<u>Completed</u>	<u>Year to Date Total</u>
Building Inspections	86	86
Fire Code Violations Identified	57	57
Fire Code Violations Corrected	26	26
Plan Reviews	2	2

<u>Public Instruction</u>	<u>Completed</u>	<u>Year to Date Total</u>
CPR Certifications	35	35
First Aid Training	9	9
High School CPR (Hands Only)	0	0
Baby Sitters First Aid	0	0

### Incident Summary

Incident Type	2017		2016	
	Jan	Year to Date Total	Jan	Year to Date Total
EMS – Falls	16	16	17	17
EMS – General Medical	33	33	22	22
EMS – Motor Vehicle Crash	6	6	3	3
EMS – Trauma Other	2	2	2	2
EMS – Other types	9	9	19	19
<b>EMS – Total (+5%)</b>	<b>66</b>	<b>66</b>	<b>63</b>	<b>63</b>
Fire – Building, vehicle or outside	1	1	4	4
Fire – Assist EMS Crew	11	11	8	8
Fire – Motor Vehicle Crash	2	2	1	1
Fire – Alarms	4	4	4	4
Fire – Other types	13	13	7	7
<b>Fire – Total (+3%)</b>	<b>31</b>	<b>31</b>	<b>24</b>	<b>24</b>

- **Significant Incidents**

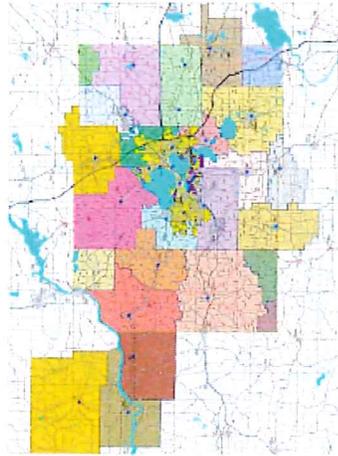
- McFarland Fire & Rescue along with Monona Medic 60 as Auto ALS and Dane County Sherriff's Deputy were paged out for a patient in cardiac arrest. Upon arrival, the Rescue 84 crew did an evaluation of the patient and determined the patient was beyond medical assistance. Rescue 84 crew cancelled all responding units and requested the Medical Examiner's office to be notified. Per the Department's medical protocols an EKG was performed. The EMTs attended to the family members to provide emotional support and then returned to service.
- McFarland Fire & Rescue Department was paged out for a Motor vehicle crash on Highway 51 and Mahoney road. McFarland Rescue 84 arrived on scene and found two vehicles that had crashed head on and offset to the driver sides. One car was in the north bound lane near the ditch and one in the south bound lane. Both vehicles were inoperable and blocked the highway. The Rescue 84 crew treated both drivers at the scene and transported one of the drivers. Engine 1 and Tender 6 remained on scene assisting with blocking traffic until the road was cleared by a tow company.
- McFarland Rescue 84 was paged out for an obvious death. The incident address was a location that the department had several previous calls to. Many of our EMS Personnel came to know the resident rather well. Rescue 84 and Car 3 (Chief Dennis) responded to the scene and confirmed the patient was beyond medical assistance. The crew remained on scene and attended to the patient's friend who found the patient and was often helping to care for the patient. The death of the patient was an emotional one for several EMTs as they had cared for the patient several times and got to know the patient very well.

# Utilization of ALS Level of Care by Automatic ALS Activation and Dispatch Code

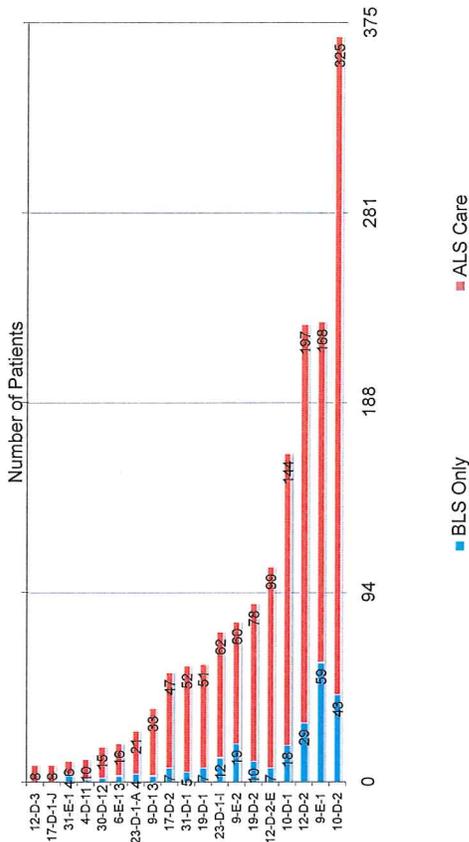
M. Meredith Masters, Jon Schnepf, Brian Jennett, Michael T. Lohmeier

## BACKGROUND

The current Medical Priority Dispatch System (MPDS) uses caller interrogation and standardized dispatcher coding to determine call severity and expected resource needs. For the EMS calls reviewed in this study, 18 previously determined MPDS dispatch codes were set to automatically send the closest Advanced Life Support (ALS) capable unit (Auto-ALS), along with any in-territory Basic Life Support (BLS) unit. The objective of this study was to correlate Auto-ALS dispatch with utilization of ALS level services, and to assess applicability of the Auto-ALS dispatch codes. Dane County, Wisconsin has approximately 500,000 residents, with a population density of 394 people per square mile. A mixture of urban and rural communities, it's served by 21 municipal EMS districts with combinations of EMT-Basic, Advanced EMT and Paramedic certifications. All municipalities signed an intergovernmental Agreement (IGA) to allow border drops for auto response of ALS services out-of-district.



Level of Care Received by Most Common Auto ALS Call Types



## LEGEND

- 12-D-3 = Convulsions/Seizures, Agonal/Ineffective Breathing
- 17-D-1-J = Falls/Extreme Fall (> 30 feet or 10 m), Jumper (Suicide Attempt)
- 31-E-1 = Unconscious/Fainting (Near), Ineffective Breathing
- 4-D-1 = Assault/Sexual Assault, Unconscious or Arrest
- 30-D-1 = Traumatic Injuries (Specific), Unconscious or Arrest
- 6-E-1 = Breathing Problems, Ineffective Breathing
- 23-D-1-A = Overdose/Poisoning (Ingestion), Unconscious (Accidental)
- 9-D-1 = Cardiac or Respiratory Arrest, Ineffective Breathing
- 17-D-2 = Falls, Unconscious or Arrest
- 31-D-1 = Unconscious/Fainting (Near), Unconscious - Agonal/Ineffective Breathing
- 19-D-1 = Heart Problems/AICD, Not Alert
- 23-D-1-I = Overdose/Poisoning (Ingestion), Unconscious (Intentional)
- 9-E-2 = Cardiac or Respiratory Arrest, Breathing Uncertain (Agonal)
- 19-D-2 = Heart Problems/AICD, Difficulty Speaking Between Breaths
- 12-D-2-E = Convulsions/Seizures, Continuous or Multiple Seizures, Epileptic or Previous Seizure Diagnosis
- 10-D-1 = Chest Pain (Non-Traumatic), Not Alert
- 9-D-2 = Convulsions/Seizures, Continuous or Multiple Seizures
- 9-E-1 = Cardiac or Respiratory Arrest, Not Breathing At All
- 10-D-2 = Chest Pain (Non-Traumatic), Difficulty Speaking Between Breaths

## METHODS

The Dane County Communication Center supplied all Auto-ALS calls for the 2014 calendar year. All 2,079 calls were retrospectively reviewed by a research coordinator and audited by Emergency Medicine Resident Physicians.

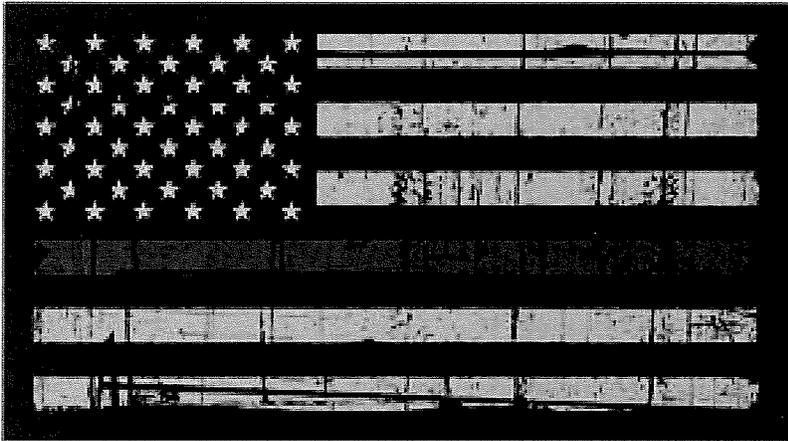
## RESULTS

Of the 2,079 calls, 376 were determined to follow a different coding system and initially excluded. Of the remaining 1,703, 1,514 (89%) were evaluated by Paramedics (ALS); the other 189 were managed by A-EMT or EMT-B (BLS) services alone. Of the ALS evaluations, 1,428 (94%) required an ALS level intervention (certain medications, EKG interpretation, endotracheal intubation) or had MD-determined medical complexity necessitating Paramedic evaluation. The reviewed MPDS codes most frequently needing ALS care were cardiac and pulmonary complaints, seizure, and loss of consciousness. Of the 189 (11%) patients managed by BLS services alone, the majority were deceased at the scene, had ALS cancelled after initial assessment, or were in a BLS district closer to an Emergency Department than any ALS unit.

## CONCLUSIONS

This retrospective review supports the current dispatch determinants and continued use of the Auto-ALS system in Dane County. Further evaluation is needed to identify additional codes that may benefit from Auto-ALS dispatch. Additional research should be considered in communities that currently do not have boundary dropping or Auto-ALS practices.

# MCFARLAND POLICE DEPARTMENT



January 2017 Monthly Report

## CONTENTS

<b>INTRODUCTORY INFORMATION .....</b>	<b>2</b>
<b>CASES OF INTEREST .....</b>	<b>2</b>
<b>STAFFING REPORT .....</b>	<b>3</b>
<b>EQUIPMENT REPORT .....</b>	<b>3</b>
<b>TRAINING REPORT .....</b>	<b>3</b>
<b>BUDGET REPORT .....</b>	<b>3</b>
<b>OTHER INFORMATION .....</b>	<b>4</b>
<b>DECEMBER 2016 CALL STATISTICS.....</b>	<b>5-6</b>

## JANUARY 2017 MONTHLY REPORT

As observed on the attached Call Summary Report, the McFarland Police Department logged 580 cases in February. This is compared to 420 cases for the same time period in 2016. Cases of interest for the month were: nine intoxicated drivers, five domestic disturbances, five disturbances, seven juvenile complaints, eleven thefts, sixteen traffic accidents, fifty-eight outside agency assists, and responded to twelve 911 disconnect calls. Officers also logged 213 traffic stops/complaints.

### Cases of interest for the month are as follows:

- 01/01/2017 Officers responded to an alarm at BP on Burma Road. Officers arrived on scene and found that the front door was smashed out. Officers cleared the building and made contact with the business owner. It was determined that access was gained to the business and items were stolen. A few days later a suspect was developed and eventually arrested. The suspect was associated with many burglaries in the south central Wisconsin area.
- 01/02/2017 Early the next morning, Officers located a second business on Farwell Street that had a smashed front door. This business was not entered and the same suspect from the above call for service was responsible for the damage.
- 01/14/2017 Officers were dispatched to the 4700 block of Burma Road for a male subject who had intentionally cut himself with a knife and was still armed with the weapon. An officer arrived on scene and encountered the subject in the entryway to his apartment. The officer drew his firearm and ordered the subject to show his hands. The subject did not immediately comply but eventually did display his hands. The officer then transitioned to a Taser for his safety. The subject then started to walk toward the officer who was able to eventually physically restrain him until help arrived. The subject was checked by McFarland EMS. The subject stated he was not suicidal but was just trying to get his girlfriend's attention. The subject was charged with disorderly conduct while armed and taken to the Dane County Jail.
- 01/19/2017 An officer stopped a vehicle on Farwell Street for a traffic violation. The driver notified the officer he did not have a valid license and was on probation for a previous crime. While the officer was filling out paperwork, he noticed the driver moving around in the vehicle to the extent he believed the driver was attempting to hide something. The officer found out the driver was out on bail and was ordered not operate a motor vehicle. The driver was arrested for bail jumping and the vehicle was searched. During the search, the officer found drug paraphernalia and cocaine in the area where the driver appeared to be concealing something. The driver was also charged with possession of cocaine, operating after revocation, and a probation hold. The driver was booked into the Dane County Jail.

## Staffing Report

- Our current recruitment initiative to fill a vacancy continues. To date:
  - Our current recruitment process to fill a vacancy is on schedule has now concluded, and all candidates that remained on the current eligibility list have been exhausted. The one remaining viable candidate that was on the list has accepted a position with another agency.
  - Recruit Candidate Joel Zietsma was sworn in on January 31<sup>st</sup>, officially assuming his duties as a full-time police officer. He will now undergo the field training process prior to being assigned to solo patrol.
  - We are still awaiting the disposition of the officer that will possibly be departing to take a position with a department near his home town. At this point we do not have a firm timeline of his departure, however it appears likely that this will occur.
  - Given the above information and the fact that our eligibility list is now exhausted, I have requested an immediate meeting with the Police and Fire Commission to review candidates that did not make the initial eligibility list for possible interviewing, or lacking that to approve a new recruitment process to fill the anticipated vacancy.
  - The Police and Fire Commission has approved the Sergeant promotional process, which is open to internal candidates only. With that, the position was posted and the acceptance of letters of interest has now closed. In total, we have eight candidates for the position. The process will include numerous steps, including a written exam, an assessment center, an interview with panelists from outside the agency, and interview with the Police and Fire Commission, and an interview with department command staff.

## Equipment Report

- Nothing to report.

## Training Report

- Officers attended the first In-service session for the year. Topics included firearms qualification, DAAT scenarios, and training simulator scenarios. The training was held at the City of Madison Police Academy facility.
- Officer Job and K-9 partner Boris attended 16 hours of K-9 certification training.

## Budget Report

- Nothing to report.

## Other Information

- The first Coffee With a Cop event of 2017 will be held on February 18<sup>th</sup> from 9am-11am at the McFarland House Cafe.
- A committee of department staff was formed in November of 2016 to conceptualize a permanent, public view memorial to Officer Copeland. The committee has met on a few occasions since, and has now come up with a model. The intent is to have this memorial in place by Police Week of 2017, which is in May.



# Incident Analysis Report Summary By Incident Type

McFarland Police Department  
Official Case Report  
**Do Not Re-Release**

Print Date/Time: 02/01/2017 14:43  
 Login ID: mcbgr  
 Incident Type: All  
 Call Source: All

From Date: 01/01/2017 00:00  
 To Date: 01/31/2017 23:59

McFarland Police Department  
 ORI Number: WI0137300

Officer ID: All  
 Location: All

Incident Type	Number of Incidents
911 Abandoned Call	1
911 Call Silent	7
911 Call Unintentional	2
911 Disconnect	2
Accident Hit and Run	2
Accident Property Damage	12
Accident w/Injuries	2
Adult Arrested Person	3
Alarm	6
Animal Complaint	2
Animal Found	1
Animal Lost	2
Animal Stray	2
Annoying/Obscene Phone Call	1
Assist Citizen	22
Assist Citizen Vehicle Lockout	2
Assist EMS/Fire	34
Assist Fire/Police	19
Assist K9	5
ATL Person	2
Burglary Non-Residential	2
Burglary Residential	2
Check Person	17
Check Property	94
Civil Dispute	2
Conveyance	1
Damage to Property	3
Death Investigation	1
Disturbance	4
Disturbance Unwanted Person	1
Domestic Disturbance	5
Drug Incident/Investigation	2
Follow-Up	6
Fraud	2
Information	12
Juvenile Arrest	2
Juvenile Complaint	3
Missing Juvenile/Runaway	2



# Incident Analysis Report

## Summary By Incident Type

McFarland Police Department  
Official Case Report  
**Do Not Re-Release**

Print Date/Time: 02/01/2017 14:43  
 Login ID: mcbgr  
 Incident Type: All  
 Call Source: All

From Date: 01/01/2017 00:00  
 To Date: 01/31/2017 23:59

McFarland Police Department  
 ORI Number: WI0137300

Officer ID: All  
 Location: All

Incident Type	Number of Incidents
NOTE	1
OMVWI Arrest/Intoxicated Driver	9
Parking Complaint On Street	6
Phone	15
Property Found	1
Safety Hazard	12
Silent Case Number	2
Stolen Auto	1
Suspicious Person	4
Suspicious Vehicle	9
Theft	3
Theft from Auto	3
Theft Retail	5
Threats Complaint	2
Towed Vehicle/Abandonment	1
Traffic Arrest	3
Traffic Complaint/Investigation	35
Traffic Stop	175
Unknown	2
Worthless Checks	1
<b>Total:</b>	<b>580</b>

**VILLAGE OF MCFARLAND**  
**Public Safety Committee – Meeting Minutes**  
*January 11, 2017*

1. Call to Order

Trustee Adrian called the January 11, 2017 meeting of the Public Safety Committee to order at 6:30 pm at the McFarland Municipal Center in Conference Room A.

**Members Present:** Trustees Jerry Adrian and Thomas Mooney, Resident members Kathryn Lyons, Ken Machtan.

**Members Not-Present:** Barbara Zabawa; Sandy Bakk; Dick Staley

**Others Present:**

**Staff present:** Police Chief Craig Sherven, Fire/EMS Chief Chris Dennis, Emergency Management Director Charles DiPiazza, and Village Administrator/Treasurer Matt Schuenke, Village Clerk Cassandra Suettinger, Deputy Clerk Jenny Haried

2. Public Comments – None.

3. Staff Reports

a. **Fire/EMS Department** – Fire Chief Dennis provided the monthly Fire/EMS report

b. **Police Department** – Police Chief Sherven provided the monthly Police report

c. **Emergency Management** – Emergency Management Director DiPiazza provided the monthly Emergency Management report

4. Approval of Minutes

a. **Review and possible approval of draft minutes of the December 14, 2016 meeting** – Motion by Lyons, second by Machtan to approve the minutes of the December 14, 2016 meeting. Motion carried unanimously by acclamation.

5. Business

a. **Discussion on alternate side parking ordinance.** – The committee reviewed proposed changes to the wording of the ordinance to make the dates and time easier to understand.

Motion by Adrian, second by Machtan to approve the proposed changes to the alternate side-parking ordinance. Motion carried unanimously by acclamation.

b. **Discussion regarding objectives for Village lighting of cross walks and intersections.** – The committee discussed crosswalks/intersections that do not

have adequate lighting, including the crosswalk in front of the high school and the Walgreens/old Beachhouse intersection. Police Chief Sherven suggested having his night officers observe crosswalks and intersections while patrolling.

Item will be brought back for further discussion.

- c. **Discussion on establishing quotas for alcohol licensing.** – Village Clerk Suettinger provided information from surrounding communities in regard to the number of liquor licenses currently issued. Police Chief Sherven stated there are currently no establishments of concern. Adrian suggested possible review of the temporary licenses issued as those generally create more issues per Police Chief Sherven.

The committee recommended the issue be reviewed by the Village Board during the annual liquor license renewal for 2017.

- d. **Discussion and action on issuing a request for qualifications for security upgrades to Village facilities.** – Village Administrator Schuenke stated that the Facility Access Control Project bids have been rejected. Staff recommends requesting submittals for statements of qualifications in assessing security needs of all Village facilities. Mooney asked if the Youth Center was included and Village Administrator Schuenke stated it could be added. There are funds remaining from last year and additional funds allocated this year for the security upgrades.

Motion by Adrian, second by Lyons to proceed with the request for qualifications for security upgrades to Village facilities. Motion carried unanimously by acclamation.

- e. **Discussion and possible recommendation on safety improvements for the intersection of Highway 51 and Burma Road.** – Adrian brought the request from Ali Pournik regarding the lack of signage for the crosswalk on Highway 51 and Burma Road. Pournik was specifically concerned about school-age children using the crossing. Adrian pointed out there is busing for students in the area. The committee directed Staff to put up a crosswalk sign at the intersection. Any additional changes would need to be approved by the State. Police Chief Sherven stated there are other intersections in the Village that hold higher priority including Siggelkow Rd, which have a higher density of foot traffic. The Committee agreed.

## 6. Adjournment

Motion by Machtan, second by Mooney, to adjourn the meeting at 7:26 pm. Motion carried unanimously by acclamation.

Respectfully submitted,  
Jennifer Haried  
Deputy Clerk

DRAFT



**MEMORANDUM**

To: Public Safety Committee  
From: Cassandra Suettinger, Village Clerk/Deputy Treasurer  
Date: February 3, 2017  
RE: Amendment to Alternate Side Parking Ordinance.

---

**Background:**

Resident Michael Shumway, appeared at the January 23<sup>rd</sup> Village Board meeting during public comment to request the Village consider amendment of the alternate side parking ordinance to:

1. Change the end date of alternate side parking to March 1<sup>st</sup>.
2. Only require alternate side parking during the declaration of a snow emergency.

**Current Ordinance:**

- a) *Alternate side parking.* Between the hours of 1:00 a.m. and 7:00 a.m., all vehicles must park on the even numbered side of the street on even-numbered calendar days and on the odd-numbered side of the street on odd-numbered days from December 1 to March 31 of each year. Any vehicle or object parked in violation hereof may be removed from said street by the Village police at the cost of the owner thereof and, in addition thereto, shall be liable for and subject to the penalties provided below. This Subsection shall not apply to streets where parking is limited to one side of the street.
- b) *Snow emergency parking by regulations.* Upon the declaration of a snow or snow removal emergency by the Chief of Police and/or the Village Board and in conjunction with the Director of Public Works, regulations necessary to make effective the provisions of this Subsection shall be made.
  - 1) When it becomes necessary to effectuate the effective movement of vehicles and to plow snow or ice from streets which, because of the accumulation of snow or ice thereon, causes such a hindrance to traffic as constitutes an emergency unless the snow or ice is promptly removed, the Chief of Police or a designated subordinate, after consultation with the Director of Public Works shall, by appropriate public media, declare the beginning of an emergency and the application of emergency snow parking regulations, which regulations shall remain in force and effect until lifted by the Chief of Police or a designated subordinate. For the purpose of this Subsection, the accumulation of snow or ice on any streets or area sufficient for the application of emergency regulations herein shall be such accumulation of snow and ice that hinders the safe movement of

traffic hereon or that impedes the ability of emergency vehicles and public transportation vehicles to travel safely and expeditiously over such streets or areas.

- 2) When necessary for the clearing, repairing, removal and plowing of snow or ice from any street or for other emergency or special conditions as declared, the Chief of Police or designated subordinates are hereby authorized to make and carry out regulations and procedures sufficient to effectively cope with such emergency or special conditions to include:
  - a. Making temporary regulations directing traffic and regulating parking;
  - b. Restrictions prohibiting parking on any street during the hours from 1:00 a.m. to 7:00 a.m.; and/or
  - c. Such other and further regulations and restrictions as to traffic and parking as may be designated as necessary.
  
- 3) Whenever a snow emergency exists as declared herein and any motor vehicle or object shall remain on the street or public parking lot in violation of this Subsection, it may be removed by or under the direction of the Police or Public Works Department after one of such departments has attempted to notify the owner to remove such vehicle and it has not been removed.
  
- 4) This Subsection shall supersede all other parking regulations in force or posted on any street. Enforcement of this Subsection shall not require posting on affected streets but posting shall be placed or erected at or reasonably near the corporate limits on all state and county trunk highways and connecting streets informing motorists that snow emergency regulations are in effect.

**REFERRAL:** Village Board referred to Public Safety Committee on January 23, 2017.



ORDINANCE NO. 2017-\_\_

AN ORDINANCE TO REGULATE NICOTINE PRODUCTS

Purpose: To Update the Village Ordinances to Reflect State Law Regulation of Nicotine Products such as E-Cigarettes

Sponsor: Chief of Police

Recommended Referral: Public Safety Committee

Public Hearing: None required.

The Village Board of the Village of McFarland do hereby ordain as follows:

1. Section 38-128(Title) of the Village of McFarland Code of Ordinances is hereby amended to read as follows:

“Sec. 38-128. - Purchase or possession of tobacco, nicotine products or controlled substances by juveniles.”

2. Section 138-128(a) of the Village of McFarland Code of Ordinances is hereby amended to read as follows:

“(a) *Purchase or possession of tobacco or nicotine products prohibited.*

(1) The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Subsection, except where the context clearly indicates a different meaning:

- a. *Cigarette.* Has the meaning given in Wis. Stats. § 139.30(1).
- b. *Law enforcement officer.* Has the meaning given in Wis. Stats. § 30.50(4s).
- c. *Tobacco products.* Has the meaning given in Wis. Stats. § 139.75(12).
- d. *Nicotine product.* Has the meaning given in Wis. Stats. §134.66(1)(f)

(2) Except as provided in Subsection (a)(3) of this Section, no person under 18 years of age may do any of the following:

- a. Buy or attempt to buy any cigarette, ~~or~~ tobacco product or nicotine product.
- b. Falsely represent such person's age for the purpose of receiving any cigarette, ~~or~~ tobacco product or nicotine product.
- c. Possess any cigarette, tobacco product. or nicotine product

(3) A person under 18 years of age may purchase or possess cigarettes, ~~or~~ tobacco products or nicotine products for the sole purpose of resale in the course of

employment during working hours if employed by a retailer licensed under Wis. Stats. § 134.65(1).

(4) A law enforcement officer may seize any cigarette, ~~or~~ tobacco product or nicotine product involved in any violation of Subsection (a)(2) of this Section committed in the law enforcement officer's presence.”

3. Chapter 11, Article III(Title) of the Village of McFarland Code of Ordinances is hereby amended to read as follows:

“ARTICLE III. – CIGARETTES, ~~AND~~ TOBACCO PRODUCTS AND NICOTINE PRODUCTS”

4. Section 11-98 of the Village of McFarland Code of Ordinances is hereby amended to read as follows:

“No person shall, in any manner, or upon any pretense, or by any device, directly or indirectly, upon any premises, or by any device, sell, expose for sale, possess with intent to sell, exchange, barter, dispose of or give away, or keep for sale, any cigarette, cigarette paper or cigarette wrappers, tobacco product, nicotine product or any substitute therefor, without first obtaining a license as hereinafter provided.”

5. Section 11-100 of the Village of McFarland Code of Ordinances is hereby amended to read as follows:

“Sec. 11-100. – Issuance, conditions and term of license.

(a) Such licenses shall be issued by the Village Clerk.

(b) The licensee shall comply with the restrictions and training requirements set forth in Wis. Stats. §134.66.

(c) Each license shall be issued on July 1 in each year, or thereafter whenever applied for, and shall continue in force from date of issuance until the succeeding June 30 unless sooner revoked for any violation of this Section.”

The above and foregoing Ordinance was duly adopted at a regular meeting of the McFarland Village Board on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

APPROVED:

\_\_\_\_\_  
Brad Czebotar, Village President

ATTEST:

\_\_\_\_\_  
Cassandra Suettinger, Village Clerk

4811-7643-7824, v. 1

ORDINANCE 2017 - __	
MOTION	SECOND
ACTION	
Adopted	
Referred	
Tabled	
Withdrawn	
Defeated	
Published	
INDIVIDUAL	
VOTING RECORD	
Adrian	Lytle
Brassington	Mooney
Czebotar	Utter, C
Kolk	
VOTING	
RESULTS	
Motion Carried:	
Motion Defeated:	

To: Chief Sherven

From: Sgt Joe Maurer

Date: 01-31-2017

Subject: Street Light Study

Chief

The following is the list of intersections and areas that are in need of better lighting. This list was of observations were made the officers who work evenings and nights as well as my own. More than one officer listed the same areas, I put an asterisk next to those.

- Larson Beach and Taylor (West Side of intersection)\*
- Farwell at High School (Spartan and east driveway) \*
- Sigglekow at Marsh Rd in all 4 directions \*
- Siggelkow and Erling Ave
- Siggelkow & Valley \*
- Siggelkow & N Autumn \*
- Siggelkow & Black Walnut \*
- Siggelkow & Holscher \*
- Holscher & MN
- Holscher & Country Walk could use more light
- Hidden Farm & Elvejem Rd
- West side of Johnson & creamery
- Leanne/Red Oak by IMMS – SW corner. \*
- Eighmy and Milwaukee – the lamp that is there is very dim and only hits Milwaukee \*
- Intersection of Renee CT and Exchange ST \*
- Leanne LN and Curtis ST \*
- Bike Path behind PD that goes to Osborne from Milwaukee
- On Erling between Terminal and Bremer
- N. Cook St. between Ridge and Valley
- Marsh & Red Oak Tr

## Chapter 9

### Massage Establishments

This Chapter was amended per Ordinance 11-11-633, adopted December 5, 2011.

This Chapter was amended per Ordinance 10-13-652, adopted October 21, 2013.

7-9-1	Definitions
7-9-2	License Required
7-9-3	Application for License
7-9-4	Investigation of Application
7-9-5	Grant of License
7-9-6	Regulation of Massage Establishments
7-9-7	Inspection of Licensed Premises
7-9-8	Suspension and Revocation of License

#### Sec. 7-9-1 Definitions.

- (a) **Massage Therapy or Bodywork Therapy.** The science and healing art that uses manual actions and adjunctive therapies to palpate and manipulate the soft tissue of the human body in order to improve circulation, reduce tension, relieve soft tissue pain, or increase flexibility. “Massage therapy” or “bodywork therapy” includes determining whether manual actions and adjunctive therapies are appropriate or contraindicated, or whether a referral to another health care practitioner is appropriate. “Massage therapy” or “bodywork therapy” does not include making a medical, physical therapy, or chiropractic diagnosis.
- (b) **Massage Establishment.** Any place of business where private Massage Therapy or Bodywork Therapy is practiced, used, or made available as a principal use of the premises.
- (c) **Massage Technician.** A person who practices, administers, or uses or offers to practice, administer or use Massage Therapy or Bodywork Therapy for compensation.

#### Sec. 7-9-2 License Required.

- (a) **Establishment.** No person, corporation, or other legal entity shall cause or permit the operation of a massage establishment within the City without first having obtained a license. A separate license shall be required for each such establishment.
- (b) **Massage.** No person shall administer Massage Therapy or Bodywork Therapy within the City without holding a valid certification as a massage therapist or bodywork therapist from the State of Wisconsin.
- (c) Applicants for a massage establishment license must be eighteen (18) years of age or over.
- (d) No license shall be granted for any establishment that is part of, or internally accessible to, a residence, whether by common hallway or otherwise, nor for any room or rooms in any hotel or motel.

#### Sec. 7-9-3 Application for License.

- (a) **Establishment.** All applications shall include:
  - (1) The location and mailing address of the proposed establishment.
  - (2) For an individual or for each person of a partnership or agent of a corporation:
    - a. Full Name and present residential address.
    - b. Date of birth.
    - c. Whether a similar license had been revoked or suspended and, if so, the reason therefore and the location thereof.

- d. Whether convicted of any crime or ordinance violation other than traffic offenses within the past five (5) years and, if so, a listing of the convictions and the locations thereof.
- (3) If the applicant is a corporation, the full names and residential addresses of each officer and director and shareholder of such corporation, together with the extent of the ownership of each, and a statement whether such officer, director or stockholder holds office or stock in any other corporation conducting a similar business in the State of Wisconsin. Such application shall be made by an agent registered as such who shall be a resident of the City of Monona.
- (4) All telephone numbers of the proposed establishment.
- (5) The names, addresses, telephone numbers, and State of Wisconsin Department of Safety and Professional Services credential numbers of all persons employed by the applicant to perform massages or bodywork at the proposed establishment at the time of application.
- (6) The application shall contain a statement signed by the applicant and each individual of a partnership or corporation that all information contained therein is true and correct.
- (7) The nonrefundable fee in the amount set forth in section 7-15-1.

#### **Sec. 7-9-4 Investigation of Application.**

The City Clerk shall refer the application to the Police Department which shall investigate and determine whether the applicant and the establishment proposed to be licensed conform to the requirements of this Chapter and other applicable laws and regulations. The Police Department shall refer the application to the Building Inspector who shall investigate the premises proposed to be licensed to determine whether the premises conform to the requirements of this Chapter, the rules and regulations of the Department of Health and Social Services, and any other applicable laws and ordinances.

#### **Sec. 7-9-5 Grant of License.**

Issuance or Denial of Massage Establishment Licenses.

- (a) The City Clerk shall grant a Massage Establishment license if the City Clerk finds the application to be complete, the application fee has been paid in full, the applicant meets the qualifications for such license, and the establishment and proposed premises conform to the requirements of this Chapter. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.
- (b) (1) If the application is denied by the City Clerk, the City Clerk shall, in writing, inform the applicant of the denial, the reasons therefore, and of the opportunity to request a reconsideration of the application by the License Review Committee.
  - (2) The License Review Committee is the official hearing body.
  - (3) Recommendations for denial from the Police Department shall be accompanied by written comments outlining reasons for the recommendation. These comments should be entered on the license application.
  - (4) A representative from the Police Department should attend the License Review Committee meeting at which denials are discussed.
  - (5) The applicant may have letters of reference (letter to state who this letter is from) and/or witnesses. The applicant may be represented by legal counsel at the License Review Committee meeting.
  - (6) At such reconsideration meeting, the applicant may present evidence and testimony as to why the license should be granted.
  - (7) If, upon reconsideration, the Committee again denies the application, the City Clerk shall notify the applicant in writing of the reasons therefore. An applicant who is denied any license upon reconsideration of the matter, may apply to the Common Council for an appeal of the License Review Committee denial.
- (c) Because a license is a privilege, the issuance of which is a right granted solely by the City, the License Review Committee reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to deny or not renew a license.

- (d) All licenses issued under this Chapter shall expire on the thirtieth (30<sup>th</sup>) day of June following their issuance.
- (e) No license issued under this Chapter shall be transferred between locations or persons, sold or be subject to transfer of corporate assets or change of corporate officers or directors.

**Sec. 7-9-6 Regulation of Massage Establishments.**

- (a) There shall be on the licensed premises at all times a massage technician properly licensed pursuant to Wisconsin Statutes. The licensee of the establishment shall personally supervise the conduct of the business thereon and shall not violate or permit any technician or employee in his or her employ to violate any provision of this Chapter. A violation of any provision of this Chapter by an officer, employee, or technician shall constitute a violation by the licensee of the establishment.
- (b) No alcohol beverages shall be sold or used on the premises.
- (c) No licensed premises shall be open for business except between 8:00 a.m. and 10:00 p.m.
- (d) All licensed premises shall be maintained in a clean and sanitary condition and in compliance with all City ordinances and state laws and regulations.
- (e) Only massage technicians validly licensed pursuant to this section shall be employed as massage technicians by the establishment;
- (f) The practice of all massage technicians employed by the establishment shall be limited to the licensed premises;
- (g) No person under the age of eighteen (18) years shall be permitted on the premises;
- (h) The establishment shall provide a waiting area for patrons separate from any area wherein massages are given. There shall be direct access to this area from the main entrance or from the hallway connected only to the main entrance;
- (i) The operator or a licensed manager shall be present on the premises at all times during hours of operation and shall be responsible for the operation of the establishment;
- (j) The establishment shall keep current records of the names and addresses of its massage technicians, agents, managers and employees and the date of employment and termination of each. Such records shall be open to inspection by any of the personnel listed in Subparagraph j. above;
- (k) The establishment shall report any change of fact required on the application form and all personnel changes to the City Clerk within ten (10) days after such change.

**Sec. 7-9-7 Inspection of Licensed Premises.**

The licensed premises shall be open at all times to inspection by the police officers of the City or the Health Officer or Building Inspector for the purpose of determining whether the premises and the technicians and employees are complying with the provisions of this Section.

**Sec. 7-9-8 Suspension and Revocation of License.**

Any license issued hereunder may be suspended by the Chief of Police or the Mayor for violation of any provision of this Chapter. Upon such suspension the licensee shall be given notice of the reasons for the suspension or revocation and opportunity to be heard before the License Review Committee for the purpose of determining whether such suspension or revocation shall be removed or whether the license shall be suspended or revoked. Any party aggrieved by a decision of the License Review Committee may appeal such action to the Common Council.

# Village of DeForest ordinance

## 9.015 LICENSING AND REGULATION OF ADULT ORIENTED BUSINESSES.

[Cr. 05-14; Eff. 4-21-05]

(1) DEFINITIONS. As used in this section:

(a) "Adult Bath House" means an establishment or business which provides the service of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its customers an opportunity for engaging in specified sexual activities as defined in this section.

(b) "Adult Body Painting Studio" means an establishment or business wherein customers are afforded an opportunity to paint images on a body which is wholly or partially nude.

(c) "Adult Bookstore" means an establishment having as a substantial or significant portion of its stock and trade in books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein. The term includes an establishment having as its stock in trade, for sale, rent, trade, lease, inspection or viewing books, films, video cassettes, compact discs, digital video discs, computers or computer programs in any format, motion pictures, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specific sexual activities or specified anatomical areas, and in conjunction therewith have facilities for the presentation of adult entertainment, including adult-oriented videotapes, films, motion pictures or other offered entertainment for observation by customers therein. The term includes a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."

(d) "Adult Cabaret" means a nightclub, dance hall, bar, restaurant, or similar commercial establishment that regularly features:

1. Persons who appear in a state of nudity or semi-nudity; or
2. Live performances that are characterized by "specified sexual activities"; or
3. Films, motion pictures, videocassettes, slides, or other photographic or computer reproductions or depictions that are characterized by the depiction or description of specified sexual activities" or "nudity".

(e) "Adult Entertainment" means any exhibition of any motion pictures, live performance, display or dance of any type, wherein a significant or substantial portion of such performance is distinguished or characterized by an emphasis on any actual or simulated performance of specified sexual activities, the exhibition and viewing of specified anatomical areas, or the removal of articles of clothing to reveal specified anatomical areas.

(f) "Adult Mini-Motion Picture Theater" means an enclosed building with a capacity for less than fifty (50) customers, including establishments that have coin operated video or motion picture booths, used for presenting material distinguished or characterized by an

emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein for observation by customers therein.

(g) "Adult Motel" means a hotel, motel, or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; provides customers with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

(h) "Adult Motion Picture Theater" means an enclosed building with a capacity of fifty (50) or more persons at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by customers therein.

(i) "Adult Motion Picture Theater (Outdoor)" means a parcel of land from which individuals may view a motion picture presented out of doors which presents material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activity or specified anatomical areas for observation by customers.

(j) "Adult Novelty Shop" means an establishment or business having as a substantial or significant portion of its stock and trade in novelty or similar items which are distinguished or characterized by their emphasis on specified sexual activities or specified anatomical areas or for simulation of the foregoing.

(k)1. "Adult Oriented Establishment" means an establishment which includes, but is not limited to, adult bookstores, adult motion picture theaters, outdoor adult motion picture theaters, adult mini-motion theaters, adult theaters, adult bath houses, adult body painting studios, adult motels, adult novelty shops or adult cabarets, sexual encounter centers, escort agencies, establishments featuring live sexually explicit performances, and any premises to which public customers or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the premises for the purposes of viewing adult oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a customer or a member, whether or not such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect. An adult oriented establishment further includes, without being limited to, any adult entertainment studio or any premises that is physically arranged and used as such whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

2. Adult Oriented Establishment shall not include:

- a. theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic, social or political merit are offered on a regular basis; and in which the predominant business or attraction is not the offering of entertainment which is intended for the sexual interests or titillation of customers; and where the establishment is not distinguished by an emphasis on or the advertising or promotion of nude or semi-nude performances; or
- b. any public or private school, as defined in Chapter 115, Wis. Stats., when instructing pupils as part of its curriculum.

(L) "Adult Theater" means a theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear, in person, in a state of nudity and/or semi-nudity, and/or live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.

(m) "Allow" shall mean to affirmatively authorize or grant permission, or to fail to take all reasonable steps to prevent, specified conduct or activities.

(n) "Booth, Room or Cubicle" means any enclosure that is specifically offered to the public or members of an adult oriented establishment for hire or for a fee as part of a business operated on the premises which offers as part of its business the entertainment to be viewed within the enclosure, including any such enclosures offered without a fee but in which the entertainment is dispensed for a fee. "Booth, room, or cubicle" does not include such enclosures that are private offices used by the owners, managers or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing entertainment for a fee, and are not open to any persons other than employees, nor rooms in hotels, motels or other similar establishments licensed by the State of Wisconsin pursuant to Chapter 50, Wis. Stats.

(o) "Female Breast" means a portion of the human female mammary gland including the nipple and the areola.

(p) Buttocks. The area at the rear of the human body (sometimes referred to as the gluteus maximus) which lies between two (2) imaginary straight lines running parallel to the ground when a person is standing, the top such line being one-half (1/2) inch below the top of the vertical cleavage of the nates (i.e., the prominence formed by the muscles running from the back of the hip to the back of the leg) and the bottom such line being one-half (1/2) inch above the lowest point of the curvature of the fleshy protuberance (sometimes referred to as the gluten fold), and between two (2) imaginary straight lines, one on each side of the body (the "outside line"), which outside lines are perpendicular to the ground and pass through the outermost point(s) at which each nate meets the outer side of each leg, except that portion of the above-described area which is left or right of an imaginary vertical line through the anus by a distance of at least 1/6 of the width of the entire buttocks area.

(r) "Church" means any building, whether or not situated within the Village, in which persons regularly assemble for religious worship and which is intended primarily for

purposes connected with such worship or for propagating a particular form of religious belief.

(s) "Customer" means any person who:

1. Is allowed to enter an adult oriented establishment in return for the payment of an admission fee or any other form of consideration or gratuity; or
2. Enters an adult oriented business and purchases, rents or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or
3. Is a member of and on the premises of an adult oriented establishment operating as a private club.

(t) "Community" when used to modify the term "standards" means the State of Wisconsin.

(u) "Day Care Center" means a facility licensed by the State of Wisconsin pursuant to §48.65, Wis. Stats., whether situated within the Village or not.

(v) "Employee" means any and all persons, including independent contractors, who work in or at, or render any services directly or indirectly related to, the operation of an adult oriented establishment.

(w) "Entertainer" any person who provides entertainment within an adult oriented establishment, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or independent contractor, including:

1. Any person who appears in a state of nudity or semi-nudity in a sexually oriented business; or
2. Any person who engages in live performances that are characterized by "specified sexual activities".

(x) "Escort" means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(y) "Escort Agency" means a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

(z) "Harmful to Minors" means that quality of any description or representation, in whatever form, of nudity, specified sexual activities or specified anatomical areas, which taken as a whole appeals to the prurient interest in sex, which taken as a whole portrays sexual conduct in a patently offensive way, and which taken as a whole does not have serious literary, artistic, political or scientific value. Whether a work appeals to the prurient interest and whether it depicts or describes sexual conduct in a patently offensive way, and

whether it has serious literary, artistic, political or scientific value are to be determined by applying contemporary community standards in the adult community as a whole with respect to what is suitable material for minors.

(aa) "Knowingly" means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both:

1. The character and content of any material described herein which is reasonably suspect under this section; and
2. The age of a minor, provided, however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.

(bb) "Knowledge of Minor's Age" means:

1. Knowledge or information that the person is a minor; or
2. Reason to know, or a belief or grounds for belief, which warrants further inspection or inquiry of the age of the minor.

(cc) "Massage" means any process or procedure consisting of rubbing, stroking, kneading or tapping, by physical or mechanical means, upon the external parts or tissues of the body of another for consideration.

(dd) "Massage Establishment" means a place of business wherein private massage is practiced, used or made available as a principal use of the premises other than by persons licensed or certified by the Medical Examining Board, Board of Nursing, Chiropractic Examining Board, Massage Therapy and Bodywork Council or a similar regulatory agency of another state.

(ee) "Minor" means any person under the age of eighteen (18) years.

(ff) "Nude" or "Nudity" means showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering or the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of covered male genitals in a discernible turgid state.

(gg) "Operator" except when used to modify the term "license" means any person operating, conducting, maintaining or owning any adult oriented establishment or massage establishment.

(hh) "Premises" means the real property upon which the adult oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the adult oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the owner or operator of the business.

(ii) "Residential" means pertaining to the use of land, whether or not situated within the Village, for purposes such as homes, townhouses, duplexes, condominiums, apartments and mobile homes, which contain habitable rooms for non-transient occupancy and which are designed primarily for living, sleeping, cooking and eating therein. Premises which are designed primarily for living, sleeping, working and eating therein shall be deemed to be residential in character unless actually occupied and used exclusively for other purposes. Hotels, motels, boarding houses, nursing homes and hospitals shall not be considered to be residential.

(jj) "Sadomasochistic Abuse" means flagellation or torture of a person by another, or the condition of being fettered, bound or otherwise physically restrained by another for sexual gratification.

(kk) "School" means a building, whether or not situated within the Village, where persons regularly assemble for the purpose of instruction or education, together with playgrounds, stadium and other structures or grounds used in conjunction therewith. The term is limited to:

1. Public and private schools used for primary or secondary education in which any regular kindergarten or grades one (1) through twelve (12) classes are taught; and
2. Special educational facilities in which students who have physical or learning disabilities receive specialized education in lieu of attending regular classes in kindergarten or any of grades one (1) through twelve (12).

(ll) "Semi-nude" or "Semi-Nudity" means the exposure of a bare female breast with less than one-fourth (1/4) of the breast surface area, contiguous to and containing the areola, completely and opaquely covered.

(mm) "Sexual Conduct" means the commission of any of the following: sexual intercourse, sodomy, bestiality, necrophilia, human excretion, masturbation, sadism, masochism, fellatio, cunnilingus, lewd exhibition of human genitals, or petting of a sexual nature.

(nn) "Sexual Encounter Center" means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

(oo) "Sexual intercourse" means physical sexual contact between individuals that involves the genitalia of at least one (1) person including, but not limited to, heterosexual intercourse, sodomy, fellatio, or cunnilingus.

(pp) "Specified Anatomical Areas" means less than completely and opaquely covered:

1. Human genitals or pubic region;
2. Buttock; or
3. Female breast below a point immediately above the top of the areola;
4. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(qq) "Specified Sexual Activities" mean:

1. Showing of human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus;
3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts, whether covered or uncovered.
4. Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

(rr) "Substantial" as used in various definitions, shall mean fifty percent (50%) or more of a business' stock in trade, display space, floor space or retail sales in any one (1) month during the license year.

(2) PUBLIC INDECENCY PROHIBITED. (a) No person shall, within the Village of DeForest municipal limits, knowingly or intentionally, in a public place, do any of the following:

1. Engage in specified sexual activities;
2. Display any specified anatomical areas; or
3. Appear in a state of nudity.

(3) EXPOSING MINORS TO HARMFUL MATERIALS.

(a) It shall be unlawful for any person for monetary or other consideration, to knowingly exhibit to a minor, or to knowingly facilitate a minor's access to premises whereon there is exhibited, a motion picture, show or other presentation which in whole or in part depicts nudity, or specified sexual activities and which is harmful to minors.

(b) It shall be unlawful for any person knowingly to sell or loan for monetary consideration to a minor:

1. Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body which depicts specified anatomical areas or shows specified sexual activities and which is harmful to minors.
2. Any book, pamphlet, magazine, printed matter however produced, or sound recording which contains any material enumerated in sub. (b)1 hereof, or explicit and detailed verbal descriptions or narrative accounts of specified sexual activities and which, taken as a whole is harmful to minors.

(c) It shall be unlawful for any person knowingly to admit a minor to any premises whereon there is exhibited nudity or specified sexual activities which is harmful to minors unless such minor is accompanied by his/her parent or legal guardian.

#### (4) ADULT ORIENTED ESTABLISHMENT LICENSE.

(a) License Required. No adult oriented establishment shall be operated or maintained within the corporate limits of the Village of DeForest without first obtaining a license to operate from the Village Clerk. A separate license shall be obtained for each premises upon which an adult oriented establishment is operated.

(c) Application. Applications for an annual adult entertainment license shall be made to the Village Clerk on a form approved by the Clerk. Each application shall include the following information:

1. The name, including all aliases, address and date of birth of applicant and all persons or entities having an ownership interest in the business to be conducted under the license;
2. Written proof that the applicant is at least eighteen (18) years of age;
3. All residential addresses used by the applicant for the past ten (10) years;
4. The business, occupation, or employment of the applicant for ten (10) years immediately preceding the date of application;
5. The exact nature of the adult entertainment to be conducted on the premises;
6. Whether the applicant previously operated an adult oriented establishment in this or any other state, county or municipality, the trade name of the business, and the name of each municipality or other unit of government which issued any license or permit for the operation of that establishment.
7. Whether any license or permit issued to the applicant has ever been revoked, suspended, limited or surrendered pursuant to a consent decree or settlement agreement or otherwise as a condition to avoid prosecution, and a full explanation of the reasons therefor.

8. All convictions of, and pending charges against, the applicant and all others with any ownership interest in the business, for violations or alleged violations of criminal and traffic laws, administrative regulations, and county or municipal ordinances, including the circumstances of the violation or alleged violation, the governmental entity which prosecuted the matter, the disposition of the charge and the date of the disposition.
9. Two (2) portrait photographs of at least two (2) inches by two (2) inches of the applicant.
10. The address of the adult oriented establishment to be operated by the applicant under the license.
11. Proof of right to occupy the premises to be operated under the license, whether by ownership, lease or otherwise.
12. If the applicant is a corporation, the name of the corporation, the date and State of incorporation, and the name and address of the registered agent of the corporation.

The failure or refusal of the applicant to provide any information required for the application, or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding said application, or refusal to submit to or cooperate with any investigation relating to the application, shall be grounds for denial thereof.

(c) Action on applications. The Clerk shall provide a copy of the application to the Chief of Police. The Chief shall conduct an investigation into the matters asserted in the application and submit a report and recommendations to the Village Board. A public hearing shall be held before the Village Board on the application, preceded by publication of a Class II notice. The Board may take any testimony regarding the granting or denial of such license. The Board shall approve, approve with modifications or conditions or reject the application. The reasons for the action taken shall be specified in the minutes of the Village Board. If the application is denied, conditioned or modified by the Board, the Board shall specify the findings made that support of its determination in accordance with par. (d).

(d) Standards for approval of applications. An application for an adult oriented establishment shall be granted by the Village Board if all of the following standards are satisfied:

1. Individual applicants.
  - a. The applicant is at least eighteen (18) years of age;
  - b. Subject to Chapter 111, Wis. Stats., the applicant shall not have been convicted of, or have charges pending alleging the commission of, a felony or any crime involving moral turpitude, prostitution or other crime of a sexual nature in any jurisdiction within ten (10) years immediately preceding the date of the application;

- c. The applicant shall not have been convicted of a violation of this section within five (5) years immediately preceding the date of the application, nor have had a license or permit for the operation of an adult oriented establishment revoked, suspended or surrendered in lieu of revocation or suspension within the previous 5 years;
2. Corporate or Partnership applicants. The provisions of subpar. 1 shall apply to all partners in the partnership and all officers and directors of a corporation.
3. The use of the licensed premises as proposed shall be allowed under the Zoning Code.
4. The applicant must have the legal right to occupy the licensed premises and conduct the proposed business on the premises.
5. The premises must be in full compliance with Village ordinances regulating buildings and property maintenance.
6. The applicant shall be a resident of the State of Wisconsin, or have appointed an agent within the State of Wisconsin who is authorized to accept legal process on behalf of the applicant.
7. The issuance of the license will not violate the limitation on the number of licenses permitted under par. (i) hereof nor the separation requirements of sub. (10).
8. All of the information required on the application has been provided and appears to be true and complete.

(f) License Term. A license granted under this subsection shall expire on June 30th of each year and each license shall be subject to revocation as hereinafter provided.

(g) Form of License. The Village Clerk shall be responsible for issuing all licenses under this subsection upon approval of the Village Board. All such licenses shall specify the nature of the license, the name and address of the holder, a description of the premises covered by the license and the dates during which it is applicable, as well as any conditions that may be imposed by the Village. All such licenses shall be open to public inspection and posted in public view on the premises for which issued.

(h) Fee. All applications for licenses or renewals under this subsection shall be accompanied by a fee of Five Hundred Dollars (\$500.00). If for any reason the license is denied, one-half (1/2) of the license fee shall be returned to the applicant. If the license is granted, the entire fee will be retained by the Village.

(i) Number of Licenses Limited. No more than three (3) annual adult entertainment licenses under this subsection allowing live adult entertainment shall be issued and in effect for all premises within the Village at any time, and no more than one (1) license shall be issued to any individual, partnership, limited liability company, or corporation or to two or

more partnerships, corporations or limited liability companies who have any common ownership.

(j) Renewal. The holder of an annual license granted under this subsection shall submit an application for renewal at least sixty (60) days before the expiration of the license. The failure to comply with this application schedule shall mean that the license shall lapse and any new application shall be reviewed as a new application. A timely application for renewal shall be approved by the Village Board unless the Board finds grounds for non-renewal as provided in sub. (5).

(k) Transfer of license. No license granted under the provisions of this subsection shall be transferable to any other person or premises. All license applications shall be original or for a renewal.

(L) Display of License. An adult oriented establishment license shall be displayed in a conspicuous public place in the adult oriented establishment.

#### (5) LICENSE SUSPENSION, REVOCATION OR NON-RENEWAL.

(a) General. Any license granted pursuant to this section may be revoked, suspended or not be renewed by the Village Board for any of the following reasons:

1. The applicant has made any false or misleading statement on the application for the license.
2. The licensee has been convicted of violating any provision of this section, except for violations of the Zoning, Property Maintenance or Building Codes.
3. The licensee has been convicted of any two separate violations of Zoning, Property Maintenance or Building Codes which occur in the current license year.
4. Subject to §§111.321, 111.322, 111.335 and 125.12(1)(b), Wis. Stats., the license holder or an employee or performer hired by the license holder, has been convicted of a criminal offense occurring on the licensed premises.
5. The licensed premises have habitually been the source of violations of Village Ordinances or state or federal criminal laws by the license holder, employees, contractors of the license holder or customers of the business.
6. The licensee is no longer eligible to hold the license.

(b) Notice of Hearing. No license shall be revoked, suspended, or not renewed by the Village Board except upon due notice and hearing to determine whether grounds for such action exist. Such hearing shall be held before the Public Safety Committee. Notice of such hearing shall be in writing and shall state the grounds of the complaint against the licensee. The notice shall be served upon the licensee at least fifteen (15) days prior to the date of the hearing and shall state the time and place thereof.

(c) Hearing. The licensee shall be entitled to be heard, to be represented by counsel, to cross-examine witnesses, to present witnesses on his or her own behalf under subpoena by the Village Board if such is required, and the hearing may be stenographically recorded at the licensee's option and expense. At the conclusion of such hearing, the Public Safety Committee shall prepare findings of fact and conclusions of law and make a recommendation as to what, if any, action the Village Board should take with respect to the license. The record of the hearing shall be forwarded to the Board with the recommendation. The Committee shall provide the complainant and licensee with a copy of the report.

(d) Board Action. The Village Board shall make a final determination whether to revoke, suspend or not renew a license at a duly noticed public meeting. The license holder may submit written arguments to the Board at any time prior to the hearing, and the Board shall consider such arguments in making its decision. Notwithstanding the foregoing, no new evidence not presented to the Committee shall be considered by the Board. The Village Board shall include in its minutes the reasons for the action taken. The Clerk shall notify the license holder of the Board's determination in writing, including the reasons cited by the Board in its decision.

#### (6) REGISTRATION OF EMPLOYEES.

(a) All operators, employees, and independent contractors working in any adult oriented establishment hereunder shall, prior to beginning employment or contracted duties, register with the Village Clerk. Such registration shall include the following:

1. Name, address, birth date, any aliases used, telephone numbers, date of employment and name of employer; and
2. A current photograph at least 2" x 2" in dimensions.

(c) All registrations hereunder are valid for a period of one (1) year.

(d) The registration fee of Fifteen Dollars (\$15.00) shall be paid per registration, which shall be paid to the Village to cover costs of investigation and administration.

#### (7) PHYSICAL LAYOUTS OF ADULT ORIENTED ESTABLISHMENTS.

(a) Booths, Rooms and Cubicles. Any adult oriented establishment having available for customers, customers or members any booth, room, or cubicle for the private viewing of any motion picture, videotape, compact disc or live performance in which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on material depicting, describing or relating to specified sexual activities or specified anatomical areas shall comply with the following requirements:

1. Access. Each booth, room, or cubicle shall be totally accessible to and from aisles and public areas of the adult oriented establishment and shall be unobstructed by any door, lock or other device physically restricting access thereto.
2. Construction. Every booth, room or cubicle shall be constructed such that:

- a. it is separated from adjacent booths, rooms, cubicles and any non-public areas by a wall;
  - b. it has at least one (1) side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying same.
  - c. all walls are constructed of solid building materials without any openings, extended from the floor to a height of not less than six (6) feet, and be light colored, non-absorbent, smooth textured and easily cleanable.
  - d. the floor is light colored, non-absorbent, smooth textured and easily cleanable.
  - e. the lighting level within each booth, room or cubicle, when not in use, is maintained at a minimum of ten (10) foot candles as measured at the floor.
3. Occupants. Only one (1) individual shall occupy a booth, room or cubicle at any time. No occupant of same shall engage in any type of specified sexual activity, cause any bodily discharge or litter while in the booth. No person shall alter, damage or deface any portion of any such booth, room or cubicle in such a manner that it no longer complies with the provisions of this Section.

#### (8) RESPONSIBILITIES OF LICENSEES.

(a) Employee Registry. Every licensee under this section shall maintain a register of all employees, showing the name and aliases used by the employee, home address, birth date, gender, telephone numbers, Social Security Number, and date of employment and termination. The register shall be maintained on the premises at all times throughout the license period. The licensee shall make the register available immediately for inspection by law enforcement officers upon demand.

(b) Vicarious liability. Every act or omission by an employee or independent contractor retained by or on behalf of the licensee to work in or on the licensed premises constituting a violation of the provisions of this section shall be deemed the act or omission of the operator.

(c) Minors. No licensee shall allow any minor to loiter in or around the licensed premises or to view sexually-explicit live adult entertainment or materials containing depictions of specified sexual activities or specified anatomical areas. No minor shall be allowed to enter or be on the premises of an adult oriented establishment at any time the adult oriented establishment is open for business

(d) Enforcement. Each adult oriented establishment shall have an attendant stationed at each public entrance to the premises at all times during regular business hours. The attendant shall be responsible for preventing any person under the age of eighteen (18) years from entering the premises. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished proof that the person was at least eighteen years old in the form of one of the following:

1. A valid operator's, commercial operator's, or chauffeurs driver's license; or
2. A personal identification card issued by the State of Wisconsin.

(e) Customer compliance. The licensee shall ensure compliance by its customers with the provisions of this section.

(f) Public information. The licensee shall ensure there is conspicuously displayed at a place near the main entrance of the establishment, any information, brochures, or pamphlets supplied by the Village containing public information relating to sexually transmitted diseases.

(g) Posting of regulations. The licensee of every adult oriented establishment that provides booths, rooms or cubicles regulated under sub. (7) shall ensure that the regulations on occupancy set forth in sub. (7)(a)3 are posted on signs, with lettering at least one (1) inch high, in conspicuous areas of the establishment and in each of the booths, rooms or cubicles.

(h) Hours of operation. No adult oriented establishment regulated by this section may remain open between the hours of 2:00 a.m. and 8:00 a.m., except on Saturday and Sunday, when the closing hours shall be between 2:30 a.m. and 8:00 a.m. No person other than the licensee or an employee of the licensee may remain on the premises during closed hours, except that persons actively engaged in making deliveries of supplies or equipment, cleaning, maintaining, or repairing any portion of the premises, or conducting other reasonably necessary business relating to the management of the premises or the administration of the business conducted thereon may be present on the premises after 6:00 a.m. on any day.

(n) Sanitary conditions. The licensee shall maintain the premises in a clean and sanitary condition at all times.

(9) REGULATIONS APPLICABLE TO PREMISES LICENSED FOR LIVE PERFORMANCES. In addition to the provision of sub. (8), the provisions of this section shall apply to all adult oriented establishments licensed for live performances featuring the display of specified anatomical areas.

1. No person shall be allowed to have any physical contact with any entertainer or employee on the premises at any time while the entertainer or employee is displaying any specified anatomical area.
2. All performances shall occur on a stage or table that is elevated at least eighteen (18) inches above the immediately adjacent floor level and that is located not be less than five (5) feet from any area occupied by any customer.
3. No customer shall be allowed within five (5) feet of any entertainer whose performance includes the display of specified anatomical areas while the entertainer is performing or is displaying any specified anatomical areas.

4. The premises shall be adequately illuminated so as to permit safe ingress and egress from the premises.
5. Excessive noise emanating from the premises shall be prohibited and good order shall be maintained on the premises at all times when such premises are open for business. The licensee shall assure that the police department is promptly notified of any activity on the premises which violates any applicable state law or this Code, including, but not limited to, excessive noise, public indecency, the use or delivery of controlled substances, unlawful sexual contact, fighting, assaults, batteries, property damage or other disorderly conduct, the presence of minors on the premises, or violation of any rules established by the license holder in order to comply with this section.
6. The license holder shall insure that building capacity limits as set by the Fire Department and/or Building code are complied with at all times.
7. The license holder shall comply with all applicable State Statutes and regulations and all Village ordinances.
8. The license holder and employees on the licensed premises shall obey all reasonable orders and directions of any law enforcement officer.
9. No license holder, personally or through an agent or employee, shall advertise, allow or produce nude entertainment or performances or other forms of nudity on the premises.
10. The license holder shall not allow any person to publicly perform specified sexual activities on the licensed premises.
11. The licensee shall not allow any performer or employee to use simulated sexual organs during dances or performances.
12. No alcohol or fermented malt beverages shall be consumed on the premises and no person shall be allowed to remain on the premises during any performance if that person is intoxicated or under the influence of controlled substances.

(10) SEPARATION OF ESTABLISHMENTS FROM OTHER USES.

(a) No license for an adult oriented establishment shall be issued, and no such use shall be established, within one thousand (1,000) feet of any area zoned for residential use, or of any church, school, nursing home, public park, or day care center. No license shall be issued for an adult oriented establishment on premises located within one thousand five hundred (1,500) feet of any other establishment licensed under this section or within five hundred (500) feet of any premises operated under a "Class B" or Class "B" alcohol beverage or fermented malt beverage license.

(b) All minimum separation distances provided in this subsection shall be measured in a straight line, without regard to intervening structures or objects, from the property line of

the adult oriented establishment to the nearest property line of another adult oriented establishment, school, church, nursing home, public park, day care center, residential district, or business holding an alcohol beverage license.

(11) PENALTY. In addition to any other penalty allowed by law, including any licensing action allowed under this section, whoever violates any of the provisions of this subsection shall forfeit not less than Two Hundred Fifty Dollars (\$250.00), and not more than Two Thousand Dollars (\$2,000.00) for each offense, together with all applicable assessments and court costs.

**9.02 CIGARETTE RETAILER LICENSE.** No person shall sell cigarettes in the Village without first obtaining a license from the Village Administrator. The provisions of §134.65, Wis. Stats., are hereby adopted and made a part of this section by reference. The license fee shall be \$100.00 per year. Licenses issued under this section shall be valid from the date of issuance and shall expire on the following June 30<sup>th</sup>.

[Am. 03-08, Eff. 2-6-03]

**9.03 AMUSEMENT DEVICE LICENSE.**

(1) DEFINITIONS. The following terms as used in this section shall be construed as follows:

(a) Amusement Device. Any machine operated by coin or token, commonly referred to as pinball machine, marble machine, shooting gallery, etc., and music machine or juke box, shuffle board, Keeno, pool tables and any and all other devices when set up and operated in any established place of business for profit, the operation of which involves a skill feature.

(b) Gambling Device. Any instrument, device or thing used for gambling or playing any game of chance for money or any other thing of value.

(2) GAMBLING DEVICES PROHIBITED. No person shall set up for operation, operate, lease or distribute for the purpose of operation, any gambling device.

(3) LICENSE REQUIRED. It shall be unlawful for any person to own or provide any amusement device or for any person to maintain or permit the maintenance of any such amusement device on premises owned or under the control of any such person without first obtaining a license for each such device from the Village Administrator. The applicant shall provide any information required to identify the device licensed. The license fee shall be \$5 per year and the license shall be valid until the next succeeding July 1. The license, when issued, shall be posted in a conspicuous place on or near the device so licensed. Nothing herein shall be construed to authorize the licensing of slot machines or gambling devices.

**9.04 CLOSING OUT SALES.**

(1) LICENSE REQUIRED. No person shall conduct a closing out sale of merchandise without having first obtained a license from the Village Administrator.

(2) LICENSE FEES.

(a) For a period not exceeding 15 days - \$25.

## Chapter 5.40 - MASSAGE ESTABLISHMENTS

### Sections:

#### 5.40.010 - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

"Massage" means any method of pressure on, friction against or stroking, kneading, rubbing, tapping, pounding, bathing, touching, binding, painting, irritating, or stimulating or external parts of the body with hands or with the aid of any manual, mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptic oils, powder, cremes, lotions, soaps, ointments, or other similar preparations commonly used in this practice. Massage does not include any of the following: making a medical diagnosis; or instructing in or prescribing rehabilitative strengthening or conditioning exercises that are within the practice of physical therapy, as defined in Section 448.50(4), Wisconsin Statutes.

Massage Therapist or Bodyworker. As defined in Section 440.98, Wisconsin Statutes. (Ord. 524 § 1 (part), 2000: prior code § 7-7-1)

#### 5.40.020 - License required.

It is unlawful for any person, other than a state licensed "massage therapist" or "bodyworker," as these terms are defined in Section 440.98, Wisconsin Statutes, as this provision may be renumbered or amended, to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on the practice of massage upon any premises in the city. (Ord. 524 § 1 (part), 2000: prior code § 7-7-2)